

REMARKS

I. STATUS OF THE CLAIMS

This response (hereinafter, the “Response”) is submitted in reply to the final Office Action dated May 6, 2010 (hereinafter, the “Office Action”). Claims 14-35 are pending in the application. Claims 14, 20 and 27 are in independent form.

II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

In paragraph 2 of the Office Action, claims 14-35 are rejected under 35 U.S.C. § 103(a) (hereinafter, “Section 103(a)”) as allegedly being unpatentable over U.S. Patent No. 4,998,347 to Schächter (hereinafter, “Schächter ’347”) in view of U.S. Patent No. 6,167,625 to King, *et al.* (hereinafter, “King”) and U.S. Patent Application Publication No. 2003/0208907 to Brown, Jr., *et al.* (hereinafter, “Brown”). The rejection is traversed for at least the following reasons.

Claim 14 is directed to a process for the manufacture of a wet shaving system comprising the steps of “providing a guard bar having a longitudinal body having two ends, wherein the guard bar is parallel to the blade cutting edge along its entire length; positioning said guard bar in a mold cavity for said platform; and molding at least part of the platform by injecting plastic in the mold cavity, wherein said at least part of the platform is molded over said ends of said guard bar during the process of molding the platform.” Applicants respectfully submit that Schächter ’347 in combination with King and Brown, fails to disclose or suggest such a process.

In the Office Action, the Examiner asserts that Schächter “shows a shaving system (10) . . . substantially as claimed except . . . Schächter does not explicitly mention how the guard bar (12) is assembled onto the platform (16).” (*Office Action*, ¶ 2.) Applicants respectfully disagree and submit that Schächter ’347 does describe and show how the guard bar (12) is assembled onto the platform (16).

As disclosed in the Schächter ’347 patent, “[t]he invention disclosed in this application is an improvement upon the inventor's prior U.S. Pat. No. 4,502,217, the disclosure of which is expressly incorporated herein by reference thereto specifically with regard to the position of the shaving head upon the shaving instrument, *as well as to the attachment of the guard bar to the shaving head.*” (*Schächter ’347*, col. 3, lines 21-26) (emphasis added). United States Patent No. 4,502,217 to Schächter (hereinafter, “Schächter

'217"), discloses, "[t]he guard bar 6 has at its ends legs 10 which form an angle with the guard bar 6 and are inserted into recesses of the base part [1] and are maintained in fixed position in these recesses without play." (*Schächter '217*, col. 2, lines 20-24) These features are shown, for example, in Figures 2, 3 and 9 from the Schächter '217 patent, which are reproduced below.

FIG. 2

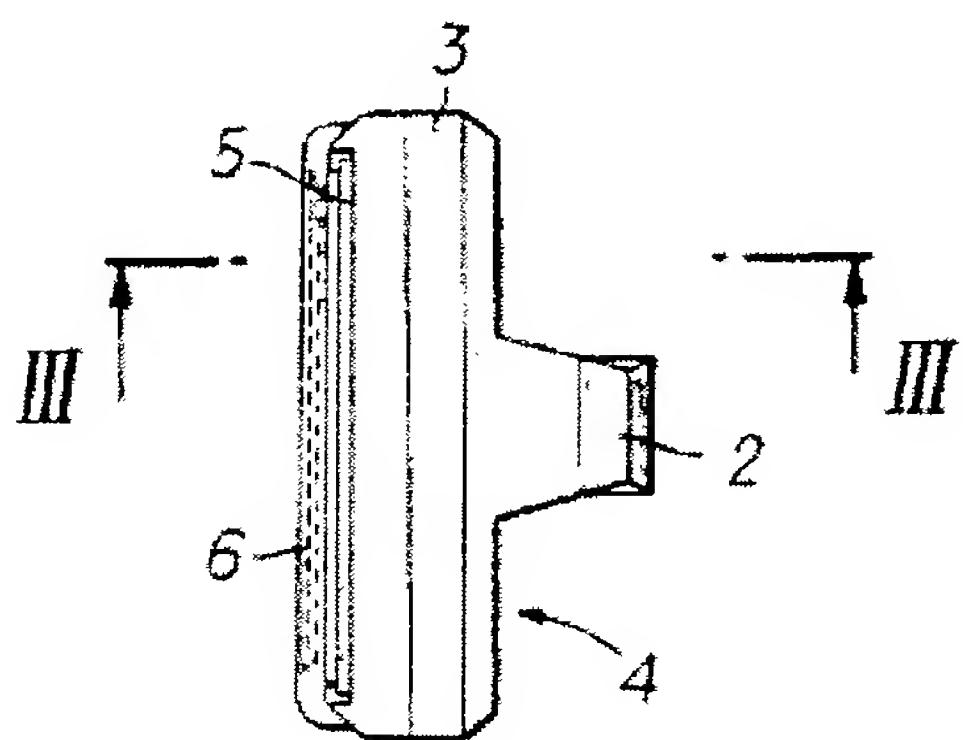


FIG. 9

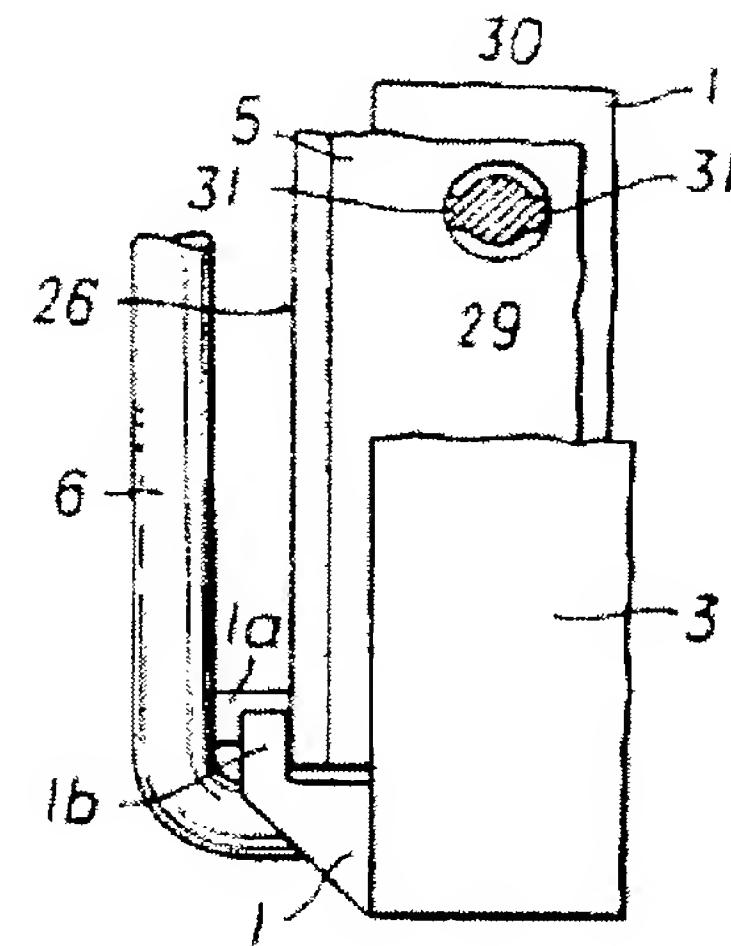
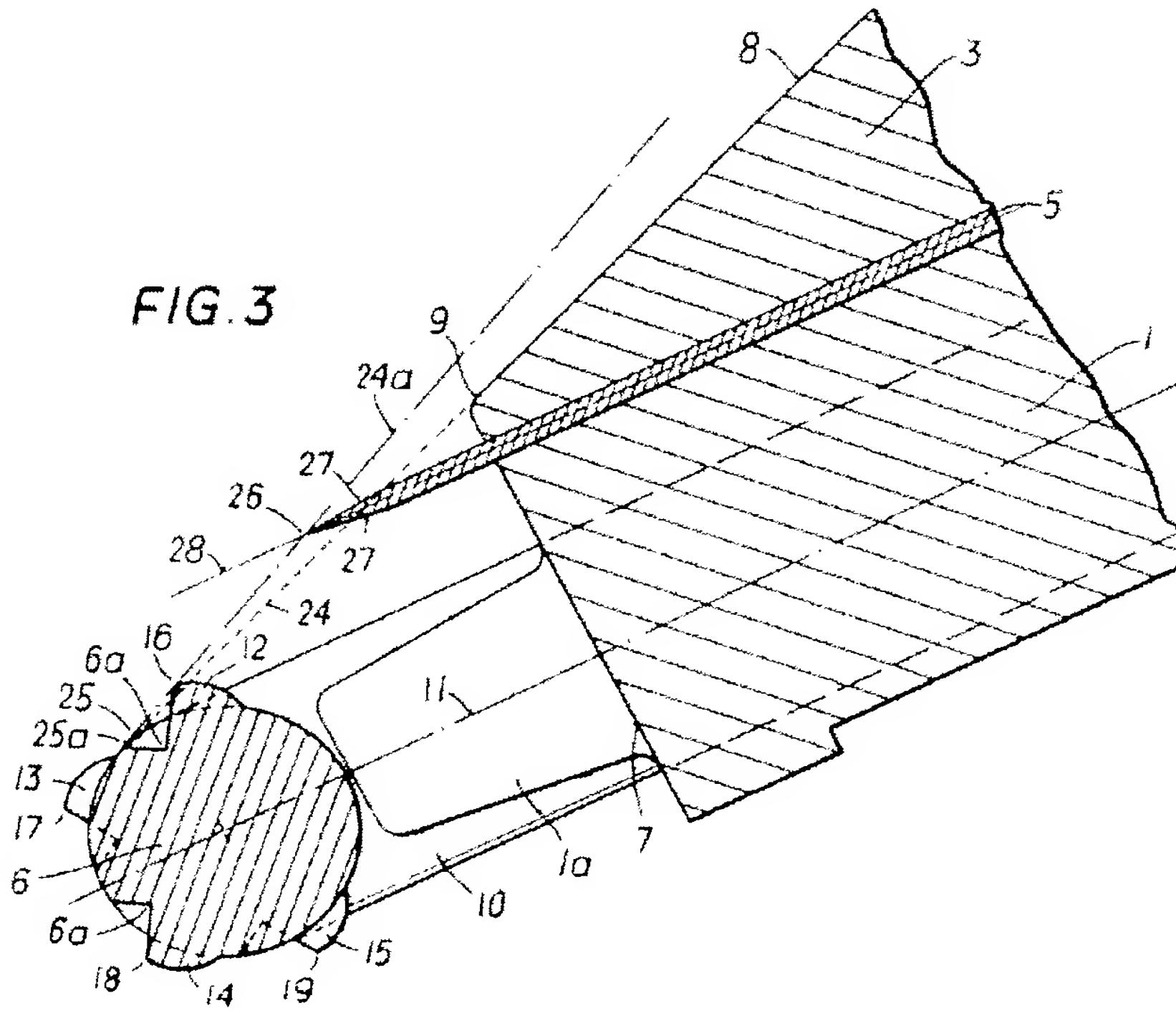


FIG. 3



The Schächter '217 patent also discloses,

[i]n order to ensure that the lugs 1a are not deformed by excessive press fit when the legs of the guard bar are inserted into the blade holder the legs of the guard bar 6 fit smoothly without play into the recesses provided in the base part 1 for their reception, these recesses which are not illustrated in the drawing are arranged in the blade holder and are provided with two spacedly arranged wall surfaces extending parallel to the plane 11 of the guard bar. The legs 10 of the guard bar 6 are calibrated parallel to the same plane to a dimension which is approximately 0.02 mm smaller than the smallest diameter of the leg permissible with respect to tolerance.

(*Id.* at col. 4, line 62 to col. 5, line 6.) Accordingly, based on the disclosure in the Schächter '217 patent, the guard bar (12) in the Schächter '347 patent is attached to the platform (16) using its bent portions (26), which are inserted into recesses provided in the platform (16) and held in place with friction. Thus, the Schächter '347 patent does disclose how the guard bar (12) is assembled onto the platform (16).

In order to cure the alleged deficiency of the Schächter '347 patent, the Examiner applies Brown and states that “it would have been obvious to one skilled in the art to further modify Schächter by assembling the guard bar (12) and the platform (16) together by means of a commercially available method such as the injection molding of Brown, Jr. et al. to facilitate a quick and massive production.” (*Office Action*, ¶ 2.) Applicants respectfully disagree and submit that there is no motivation to combine the teachings of the Schächter '347 patent with Brown. More specifically, the teachings of the Schächter '217 patent and hence, the Schächter '347 patent, are complete for their intended purposes and, thus, a person skilled in the art would have no motivation to use a secondary reference, e.g., Brown, to modify the teachings of the Schächter '347 patent.

For example, the Schächter '217 patent states,

[t]he invention is based on the novel finding that such stretching elements can be manufactured with sharp edges by plastic deformation with the displacement of portions of the surface area of the guard bar, when the material of the guard bar is metal. Therefore, the basic concept of the invention is to manufacture the guard bar of metal *and to combine it with one of the two parts clamping the razor blade. As a result, it is possible to select not only the most suitable material for the parts clamping the blades and for the guard bar, but also the most favorable manufacturing method.* Accordingly, the object of providing an optimum shaving

instrument with respect to its effectiveness and its manufacture is achieved thereby that the guard bar is composed of metal wire and its stretching elements acting in the same direction as the blade cutting edge project above the surface of the guard bar and are formed with sharp edges by plastic deformation and displacement of portions of the surface area of the guard bar, *the guard bar at its ends being provided with legs which form an angle with the guard bar and are maintained in fixed position without play in one of the two parts clamping the blade.*

(*Schächter '217*, col. 1, lines 25-47) (emphasis added). Further, as outlined above, in order to attach the guard bar to the base part, the Schächter '217 patent discloses, “[t]he guard bar 6 has at its ends legs 10 which form an angle with the guard bar 6 and are inserted into recesses of the base part [1] and are maintained in fixed position in these recesses without play.” (*Id.* at col. 2, lines 20-24.) Thus, the method disclosed in the Schächter '217 patent for attaching the guard bar to the platform is sufficient for its intended purpose and therefore, the Schächter '217 patent provides no motivation to look to the art for alternative means for attaching guard bars to platforms.

The Court of Customs and Patent Appeals addressed a similar situation in *In re Herschler*, 591 F.2d 693 (C.C.P.A. 1979), when it held that the Board of Patent Appeals and Interferences (the “Board”) had wrongly rejected the appealed claims as obvious. In *In re Herschler*, the application related to the use of dimethyl sulfoxide (DMSO) to enhance transdermal penetration of a number of compounds, and claimed the process of applying to the skin a mixture comprising DMSO and a physiologically active steroid. (591 F.2d at 695.) The Board rejected the claims as obvious over a primary reference (the Lubowe patent), which disclosed a hair lotion containing an estrogenic hormone and a solubilizing agent other than DMSO, combined with a secondary reference (the Faust patent), which taught that DMSO is a safe and effective solubilizing agent for cosmetic or dermatologic use. The CCPA, however, reversed the Board’s rejection on the grounds that the disclosure of the primary reference was already complete for its intended purpose and, therefore, one of ordinary skill in the art would not have been motivated to use the DMSO of the secondary reference. (See *id.* at 702.) Accordingly, one of ordinary skill in the art would not be motivated to turn to Brown because the teachings of the Schächter '217 patent are complete for their intended purpose.

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Further, Applicants respectfully submit that King fails to cure the deficiencies of Schächter '347 and Brown.

For at least the foregoing reasons, it is believed that independent claim 14 is patentable over Schächter '347, King, and Brown, either taken alone or in combination, and is therefore allowable. Independent claims 20 and 27 include similar recitations to those discussed above for claim 14 and are therefore allowable for similar or somewhat similar reasons to those discussed for claim 14. Further, claims 15-19, 26, 32 and 33, which depend from claim 14, claims 21-25, 34 and 35, which depend from claim 20, and claims 28-31, which depend from claim 27, are believed to be allowable as well.

CONCLUSION

In view of the above remarks, Applicants respectfully request that the Examiner reconsider pending claims 14-35 with a view towards allowance.

The Examiner is invited to call the undersigned attorney at (212) 326-3939 if a telephone call could help resolve any remaining issues.

Should any fees be required, please charge such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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